

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION

ELIZABETH DIONICIO,

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Plaintiff,

)

v.

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BRAD ALLISON, Special Agent of the Tennessee Alcohol & Beverage Commission, DANIELLE ELKS, Director of the Tennessee Alcohol & Beverage Commission, and MARK HUTCHENS, Chief Enforcement Office of the Tennessee Alcohol & Beverage Commission, all in their individual and official capacities,

## Defendants.

) Case No. 3:09-cv-00575  
JUDGE HAYNES

) *one*

EDEN

This motion is DENIED.  
There was not a motion for judgment or the pleadings to justify this amended motion. The defense of qualified immunity is not asserted in the defendants' answer. (D18 No 20).  
Qualified immunity can be raised by motions to dismiss on summary judgment or trial. See Domingue v. T.L.B., 831 F.2d 673, 677 (6th Cir. 1987).

DEFENDANT'S AMENDED MOTION  
FOR JUDGMENT ON THE PLEADINGS

Jul 11 2010  
11-10-10

COME NOW the Defendant Brad Allison pursuant to Fed. R. Civ. Pro. 12(c), and through the undersigned Assistant Attorney General, and moves this Court for Judgment on the Pleadings on the ground that the Defendant is entitled to qualified immunity, shielding him from civil damages.<sup>1</sup> Defendant further moves this Court for Judgment on the Pleadings on claims for injunctive relief against Defendant

<sup>1</sup> This defense was originally raised in the Defendant's first Motion to Dismiss and Memorandum in Support, filed in this Court on June 13, 2009. (Doc. Entry Nos. 6 and 7). Although the Motion, which raised other issues as well, was ultimately denied in light of the Plaintiff's Amended Complaint, it is unclear from the record whether this Court specifically addressed the issue of qualified immunity. Therefore, the Defendant renews his argument to ensure that the issue is properly before the court.